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Is Pay Equity Working for You?

THE PAY EQUITY COMMISSION

What does pay equity mean?

Pay equity means equal pay for work of equal value. The *Pay Equity Act* is a law that was passed to narrow the wage gap between men's wages and women's. Under the law jobs which are usually held by women are compared with different jobs usually held by men.

Skill, effort, responsibility and working conditions are looked at. If the female jobs (e.g. secretary) are paid less than male jobs with the same value in your company (e.g. service technician/installer of equipment), then the wages for the female jobs must be raised.

If you work in the private sector for an employer with 100 to 499 employees in Ontario, and you don't belong to a union, this brochure applies to you.

The pay equity plan must be posted

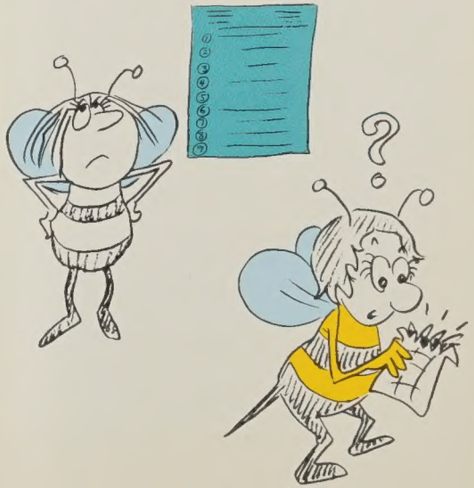
As of January 1, 1991, your employer must post a pay equity plan where all employees will be able to see it. If you would like your own personal copy, you can ask for one. This plan should show how the jobs in your company were compared and how the salaries will be adjusted for pay equity where required. All changes and adjustments to salaries and benefits because of pay equity start on January 1, 1992 for employers with 100-499 employees.

If you object to your pay equity plan

Read your pay equity plan carefully. If you disagree with the plan or feel that jobs were not compared fairly, you have a right to object.

You have 90 days after the plan has been posted to discuss any problems with your employer. Keep a record of telephone calls and notes of meetings relevant to your complaint. These would help if a Pay Equity Commission Review Officer is required to assess your case.

After this period, your employer will look at the comments and concerns of the employees. Your employer can then change the plan or leave it as it is. Your employer must post a revised pay equity plan or a notice to say that there are no changes. You have 30 days after the revised plan or notice is posted to complain to the Pay Equity Commission.



How to file a complaint

You can file a complaint even if you have not previously discussed your concerns with your employer.

There are several ways to file a complaint.

You can call the Pay Equity hotline. Check phone numbers on the back of this brochure.

Our information counsellors can answer your questions. If your concerns are not a pay equity issue, the counsellors might refer you to another agency, such as Employment Standards or the Human Rights Commission.

We can take the information from you over the phone and fill in the complaint form for you. Or we can mail you a copy of the "Application for Review Services" form.

You can write to the Pay Equity Commission for a copy of the form. Forms are also available at Ministry of Labour district offices. A photocopy of the form is fine, and even a letter of complaint will be accepted. If you are worried about the deadline, you can fax the completed form or letter to the Pay Equity Commission. Please check the address and fax number at the back of this brochure.

What we need for a complaint

Whether you call the hotline or send in a letter or application form, we need the following information:

- your name
- how to contact you
  - your address and phone number - business or home
- the name of your employer, address and phone number
- the contact at your workplace and phone number
  - this will usually be the personnel department, or the person who signed the pay equity plan
- some idea of what the complaint is about

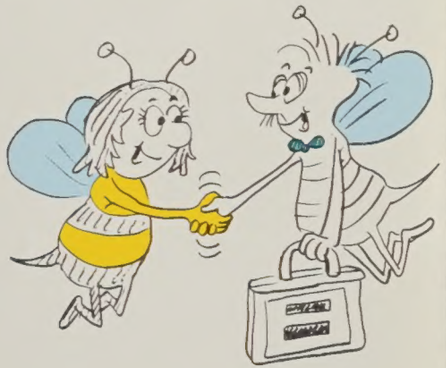
If you would like your complaint to be confidential, you can appoint an agent or spokesperson who can be a friend, relative, co-worker or supervisor to act on your behalf. You can complain as a group. Just write the name of the person to contact or the spokesperson on the application form. The rest of the names can be attached on a list or kept until a review officer contacts you.

A Review Officer is assigned

A review officer will be assigned to your case. The review officer will call you or your agent to ask for any information that is missing on your application.

The review officer will discuss your complaint with you, and go over the choices you have. You can continue with the complaint. You may decide not to continue. You may appoint an agent.

The review officer always calls you first, before calling your employer, and will not speak to your employer without your permission. If you wish to remain anonymous, the review officer will tell you how this is done.



Settling your complaint

The aim of the review officer is to try to settle the complaint between you and your employer.

In most cases, this will take place after the review officer has discussed the situation with both parties.

If you and your employer cannot reach an agreement, then the review officer has the power to write an order to resolve the complaint.

The settlement or the order must be posted in the workplace by your employer.

Sometimes the review officer may decide not to make an order. The review officer has the right to evaluate your complaint. He or she may decide it is not a pay equity case.

If either you or your employer do not agree with an order made by the review officer, then you or your employer can request a hearing before the Pay Equity Hearings Tribunal within thirty days after the order is made. If this request is not made by either of you, you and your employer must comply with the order.

Documentation may be required

Documentation is not required when you file a complaint. However, it would be helpful to have some information ready for when the review officer calls.

Some examples could be:
a copy of your pay equity plan, your job description, and questionnaires you might have been asked to fill out when your employer was doing job comparisons. If you have notes on your discussions with your employer about pay equity, these would also be useful.

Some issues have no time limit

Although there is a time frame for complaining about your pay equity plan, there is no time limit for complaining about other pay equity issues. Complaints about violations of the *Pay Equity Act* can be brought at any time.

You can complain

- if no pay equity plan has been posted
- if your wages have been lowered for pay equity
- if your pay equity plan is not being followed
- if circumstances in your workplace have changed such that the pay equity plan is no longer accurate
  - e.g. if your company has merged with another company
- if you are being intimidated or discriminated against because you have used any of your rights under the *Pay Equity Act*.

Exercise your rights

The Pay Equity Commission will try to resolve your complaint fairly. It's your right under the law. We try to make it as easy as possible for you to exercise that right.

And it doesn't cost anything to have your case reviewed.

If you have any questions that were not answered in this brochure, please call the hotline. Call as soon as possible after you are aware of a pay equity problem. We can start by telling you whether your pay equity plan has the information that is required.

Information Hotlines:

Toll Free in Ontario
1-800-387-8813 or
1-800-387-8887

In Toronto
481-3314 or 481-3315

Please send your completed "Application for Review Services" form or your letter to:

The Case Coordinator
Pay Equity Commission
150 Eglinton Avenue East
5th Floor
Toronto, Ontario M4P 1E8

Fax completed form or letter to:

Pay Equity Commission
(416) 963-0988

For more information or advice, please contact:

PAY EQUITY COMMISSION
150 Eglinton Avenue East
5th Floor
Toronto, Ontario M4P 1E8

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